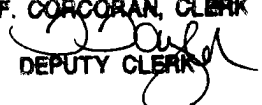


JUN 24 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

ELMER L. BARLEY,  
Petitioner,

Civil Action No. 7:08-cv-00369

v.

FINAL ORDER

COMMONWEALTH OF VIRGINIA,  
Respondent.

By: James C. Turk  
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is now

**ORDERED**

that the petition for writ of habeas corpus filed by the petitioner, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice as successive and stricken from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 24<sup>th</sup> day of June, 2008.

  
Senior United States District Judge